

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HELEN ELAINE WEST,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

23-CV-2256 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, filed an application for the Court to request *pro bono* counsel. (ECF 3.) By order dated May 30, 2023, the Court granted Plaintiff leave to file an amended complaint and notified Plaintiff that, if she wished to do so, she could seek assistance from the New York Legal Assistance Group's Clinic for Pro Se Litigants in the Southern District of New York. Plaintiff then requested an extension of time to amend her complaint, which the Court granted, and she eventually filed an amended complaint (ECF 9), which is now pending before the Court. For the reasons set forth below, the Court denies Plaintiff's application for *pro bono* counsel, without prejudice to renewal.

The factors to be considered in ruling on an indigent litigant's request for *pro bono* counsel include the merits of the case, Plaintiff's efforts to obtain a lawyer, and Plaintiff's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are "[t]he factor which command[s] the most attention." *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's motion for counsel is denied without prejudice to renewal at a later date.

CONCLUSION

Plaintiff's application for the Court to request *pro bono* counsel (ECF 3) is denied.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge